

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

**STANDING PROCEDURAL ORDER FOR
ARBITRATION TRIALS CONDUCTED BY VIDEOCONFERENCE**

This Order is issued in conjunction with the Standing Order dated October 5, 2020, suspending certain subsections of the Court's Local Civil Rules regarding arbitration to allow arbitration trials to be conducted remotely by videoconference upon consent of the parties during the exigent circumstances created by the ongoing coronavirus disease 2019 (COVID-19) pandemic.

In order to establish procedures governing arbitration trials conducted remotely by videoconference with which all parties must comply, it is ORDERED effective immediately:

Scheduling

1. Parties represented by counsel will receive a Notice of an arbitration trial date through CM/ECF after their completed videoconference consent form is electronically filed on CM/ECF. Unrepresented parties will receive the Notice by email or mail. Cases with parties who do not consent to proceeding by videoconference will remain continued.
2. All communication regarding scheduling from counsel or any unrepresented parties to the arbitration clerk should be sent in the form of a letter attached to an email to paed_arbitration@paed.uscourts.gov.
3. Pursuant to Local Civil Rule 53.2, subsection 4A, counsel for the parties may agree to an arbitration trial date earlier than that set forth in the Notice if the arbitration clerk is notified within thirty (30) days of the date of the Notice. Subsequent requests, requests made more than thirty (30) days after the date of the Notice, or requests for an arbitration trial date after that set forth in the Notice, must be filed electronically on CM/ECF for consideration by the judge assigned to the case.
4. Pursuant to Local Civil Rule 53.2, subsection 4C, the court will enter an order setting forth the date of the arbitration trial as well as the names of the arbitrators assigned to the arbitration panel for that case. Parties represented by counsel will receive the order through CM/ECF and unrepresented parties will be notified by email or mail.
5. No later than the next business day following the entry of the court's order setting forth the date of the arbitration trial and the names of the arbitrators assigned to the arbitration panel, the parties must send the arbitration clerk an email with a copy of the docket sheet and all relevant pleadings, in the form in which they appear on CM/ECF, as attachments. The email should be sent to paed_arbitration@paed.uscourts.gov. The arbitration clerk will then forward the documents to the arbitrators by email, along with a copy of the court's order, the Guidelines for Participating in Arbitration Trials Conducted by Videoconference, and this Standing Procedural Order.
6. Pursuant to Local Civil Rule 53.2, subsection 5A, the arbitration panel may agree to change the date of the arbitration trial so long as the new date is within thirty (30) days of the date set forth in the order. The arbitration clerk must immediately be notified of the arbitrators' request for a date change by letter attached to an email to paed_arbitration@paed.uscourts.gov. Any other continuance request must be filed electronically on CM/ECF for consideration by the judge assigned to the case.

7. Parties represented by counsel will receive a Notice regarding a rescheduled hearing date or any changes to the members of the arbitration panel through CM/ECF. Unrepresented parties will be notified by email or mail.
8. The arbitration clerk will notify the arbitrators of any changes in the status of a case or the arbitration trial date by email.
9. If a new arbitrator must be selected for the panel due to conflicts or scheduling issues, the arbitration clerk will send the new panel member(s) an email attaching a copy of the order setting the date of the arbitration trial and the names of the members of the panel, the docket sheet and pleadings, the Guidelines for Participating in Arbitration Trials Conducted by Videoconference, and a copy of this Standing Procedural Order.

Settlement

10. Parties are reminded of their obligation to report settlement to the arbitration clerk pursuant to both Local Civil Rule 53.2, subsection 5B, and Local Civil Rule 83.6.1. If a case settles prior to the date of the arbitration trial, the parties must notify the arbitration clerk as soon as practicable by letter attached to an email to paed_arbitration@paed.uscourts.gov. If the case settles the day of the scheduled arbitration trial, the parties must immediately notify the arbitration clerk by email, and a letter to that effect may be sent as an attachment to a subsequent email. The arbitration clerk will prepare a cancellation notice that will be electronically filed on CM/ECF, and will notify the arbitrators by email that the arbitration trial has been cancelled.
11. The parties must also notify the court that the case has settled no later than the next business day after the parties have agreed to a settlement. The parties are encouraged to consult the assigned judge's practices and procedures for information about the preferred means of contacting and notifying chambers of the settlement.

Trial Preparation

12. Pursuant to Local Civil Rule 53.2, subsection 5E, the parties must exchange exhibits other than those intended for impeachment at least fourteen (14) days prior to the date of the arbitration trial.
13. No later than 9:30 a.m. the day before the arbitration trial, the parties must send the arbitration clerk an email with a current copy of the docket sheet and all relevant pleadings, in the form in which they appear on CM/ECF, as attachments. The email must also include as an attachment a list with contact information, both email addresses and telephone numbers, for counsel and the parties for purposes of setting up the videoconference and in the event of any technical difficulties. The email should be sent to paed_arbitration@paed.uscourts.gov. The arbitration clerk will forward the documents, but not the contact list, to the arbitrators by email.
14. No later than 9:30 a.m. the day before the arbitration trial, the parties must send the arbitration clerk an email with all exhibits other than those intended for impeachment included as attachments. The email should be sent to paed_arbitration@paed.uscourts.gov. The arbitration clerk will forward the email to the arbitrators.

15. The arbitration clerk will email an arbitration award form to the panel the day before the arbitration trial. This form is also available at www.paed.uscourts.gov/services/arbitration.
16. Pursuant to Local Civil Rule 53.2, subsection 5F, parties must make their own arrangements for an independent court reporting firm with regard to scheduling and payment for transcription services.

The Videoconference

17. Videoconferences will take place using Microsoft Teams. Instructions for obtaining and using Microsoft Teams are available at www.paed.uscourts.gov/services/arbitration.
18. The day before the arbitration trial, the arbitration clerk will send email invitations to join the videoconference for the arbitration trial. The start times for each case scheduled for that date will be assigned the day of the arbitration trial.
19. At 9:30 a.m. on the day of the arbitration trial, the arbitration clerk will send an email to the arbitrators, counsel, and any unrepresented parties notifying them of the order in which the arbitration trials will take place if there is more than one case scheduled for an arbitration trial that day. The arbitration clerk will then send updated email invitations that include a start time to join the videoconference to the participants for the first arbitration trial.
20. The first arbitration trial will begin at 10:00 a.m. The arbitration clerk will send an emailed invitation to join the videoconference to counsel and the parties prior to the start time. The arbitrators will send an emailed invitation to join the videoconference to each witness when it is their turn to testify. Counsel, or any unrepresented parties, are responsible for notifying their witnesses of an approximate time to be ready to join the videoconference.
21. Once the arbitration trial has concluded and the arbitrators have completed their discussions, the arbitration panel chairperson will notify the arbitration clerk by telephone that the arbitration trial has concluded and that the panel is ready for the next arbitration trial, and a start time for the next arbitration trial will be selected.
22. The arbitration clerk will call counsel and any unrepresented parties to let them know the start time of the next arbitration trial scheduled for that date. Counsel, or any unrepresented parties, are responsible for notifying their clients and witnesses of the start time. Counsel and the parties will receive updated email invitations from the arbitration clerk to join the videoconference prior to the start time. Witnesses will receive an emailed invitation to join the videoconference when it is their turn to testify. Counsel, or any unrepresented parties, are responsible for notifying their witnesses of an approximate time to be ready to join the videoconference.
23. Each witness will be sworn in individually by the arbitrators when it is that witness's turn to join the videoconference and testify.
24. The Guidelines for Participating in Arbitration Trials Conducted by Videoconference, explaining the technical requirements for participating in an arbitration trial by videoconference as well as the mechanics of joining the videoconference, are available at www.paed.uscourts.gov/services/arbitration.

25. The arbitration clerk will initiate the videoconferences, and the arbitrators will determine when participants should join and leave the videoconference, as appropriate. Witnesses should only join the videoconference when it is their turn to testify, and must leave the videoconference when the arbitrators request they do so. Counsel, parties, and witnesses must all leave the videoconference once it is time for the arbitrators to discuss the outcome and the award.
26. Pursuant to the Court's Standing Order dated October 5, 2020, no person who has not been hired by a party to perform transcription services may record the video or audio of the arbitration trial. Failure to comply with the general prohibition on recording may result in the imposition of sanctions.

Post-Arbitration Trial

27. The chairperson of the arbitration panel must send the arbitration award as an email attachment to the arbitration clerk at paed_arbitration@paed.uscourts.gov as soon as practicable but no later than the next business day following the arbitration trial.
28. Petitions for trial de novo must be electronically filed on CM/ECF within thirty (30) days of the date the arbitration award is entered on the docket, pursuant to Local Civil Rule 53.2, subsection 7A.

General Information

29. Electronic signatures are permitted.
30. Forms, procedural guidance, and information about using Microsoft Teams are available at www.paed.uscourts.gov/services/arbitration.
31. All other Local Civil Rules governing arbitration not specifically suspended by the Standing Order dated October 5, 2020, remain in effect.
32. For questions or additional information, please contact the Clerk's Office at paed_arbitration@paed.uscourts.gov.
33. This Standing Procedural Order will remain in effect until further Order of Court.

Date: October 5, 2020

/s/ Juan R. Sánchez
Juan R. Sánchez
Chief Judge